

Topic I: Advancing the Rights of Indigenous Peoples and Minority Groups

Introduction

Indigenous peoples are generally known by the United Nations Development Programme (UNDP) as “inheritors and practitioners of unique cultures and ways of relating to others, and to the environment”.¹ Article 33 of the Declaration on the Rights of Indigenous Peoples highlights the importance of the ability of indigenous peoples to self-identify and have protections associated with that status, declaring that, “1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live. 2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.”² In addition, numerous articles from various United Nations bodies as well as non-governmental organizations (NGOs), including the International Labor Organization (ILO) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have treaties that reinforce these protections of self-identification.³ Furthermore, the Sustainable Development Goals (SDGs) as part of the 2030 Agenda for Sustainable Development have explicitly called for the protection of indigenous populations and empowerment of indigenous populations, including within SDG 2: reaching zero hunger internationally and SDG: 4 on quality education.⁴

While the term “indigenous peoples” is the chosen verbiage of the United Nations for the purposes of documentation, other terms are often used to describe or classify these groups of people, dependent upon geographic regions of discourse and may include: tribes, first peoples/nations, aboriginals, ethnic groups, adivasi, and janajati.⁵ In total, there are between 370 to 500 million indigenous people throughout 90 Member States.⁶ The majority of indigenous peoples are known to be present in Asia, Latin America, and Africa, with 80 percent located in these regions.⁷ However, indigenous peoples are known to live in all geographical regions and present themselves in 5,000 different cultures. Although they only account for 5 percent of the world’s population, they constitute 15 percent of the world’s extreme poor.⁸ In addition, the life expectancy for indigenous peoples is up to 20 years less than non-indigenous peoples.⁹

The vulnerability of these groups is especially important to the global community because indigenous people are crucial to the protection of the earth’s resources.¹⁰ Indigenous peoples reside on a quarter of the world’s surface area and protect an estimated 80 percent of remaining biodiversity.¹¹ Many have constructed a vast repository of knowledge on climate patterns and adaptation and mitigation techniques against natural disasters, which could play a role in the understanding of various climate-related issues in science, sociology and other related fields.¹² In addition to their knowledge of the climate, historians, anthropologists and sociologists have been able to use their perception of culture, religion and language to understand and improve modern societies.¹³ One example includes their understanding of the diversity of identity, in which men and women have equality of both power and responsibility with “[women being]

¹ “10 Things to Know About Indigenous Peoples”, United Nations Development Program (UNDP), (January 25, 2019) <https://stories.undp.org/10-things-we-all-should-know-about-indigenous-people>

² The Department of Social and Economic Affairs of the United Nations (UN DESA), *State of the World’s Indigenous Peoples Vol II* (New York City, New York; 2015)

³ UN DESA, *State of the World’s Indigenous Peoples Vol II*

⁴ UN DESA, *State of the World’s Indigenous Peoples Vol II*

⁵ “Indigenous Peoples, Indigenous Voices: Factsheet”, United Nations Permanent Forum on Indigenous Issues (UNFPI), https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

⁶ “10 Things to Know About Indigenous Peoples”, United Nations Development Program (UNDP), January 25, 2019 <https://stories.undp.org/10-things-we-all-should-know-about-indigenous-people>

⁷ “10 Things to Know About Indigenous Peoples”, UNDP

⁸ “Indigenous Peoples”, The World Bank, September 24, 2019, <https://www.worldbank.org/en/topic/indigenouspeoples>

⁹ “Indigenous Peoples”, The World Bank

¹⁰ “Indigenous Peoples”, The World Bank

¹¹ “Indigenous Peoples”, The World Bank

¹² “Indigenous Peoples”, The World Bank

¹³ United Nations (UN) Office of the Special Advisor on Gender Issues and Advancement of Women and the Secretariat of the UN Permanent Forum on Indigenous Issues, *Gender and Indigenous Peoples: Overview*, (NY, NY: United Nations, February 2010)

respected by indigenous men and had equal access to and control over collective land and natural resources".¹⁴ However, years of colonization and interference from European and non-indigenous societies have resulted in some practices of indigenous peoples adopting the patriarchal model of family and power structures.¹⁵

Current Situation

A continual struggle for indigenous peoples have been defending their rights of autonomy and existence from national entities, with one of the most substantial conflicts being that of land disputes.¹⁶ Protected land inhabited by indigenous people are often rich in resources, routes, and soils which remain crucial to the self-sufficiency and sustainability of their respective societies.¹⁷ Not only do indigenous peoples remain wary of a potential physical violation of autonomous rights by surrounding societies and governments, but they often battle agricultural contamination from neighboring industrial and agricultural properties such as the accidental introduction of genetically modified seeds, chemicals, fertilizers, and pesticides.¹⁸ Additionally, indigenous people may have protected indigenous customary land ownership, but only be recognized by a Member State for legally holding a portion of the total area of land that they claim, leading to further tension between indigenous societies and Member States.

Forests are often the primary area of interest for industrial and agricultural industries hoping to work on or with land inhabited by indigenous peoples. Forests hold a variety of in-demand natural resources such as oils, rubber, gum, wood, and other raw materials. In fact, according to a UN Department of Economics and Social Affairs (UN DESA) report on the *State of Indigenous Peoples*, the period between 2000 and 2005 saw a concerning amount of deforestation around the world, with a net loss of 18.5 million acres of forests worldwide.¹⁹ This research found that in response to the loss of forests and woodland, indigenous peoples were forced to leave and abandon a lifestyle centered around hunting and gathering.²⁰ Homeless, they were left with no compensation for their loss of land and livelihood, and destitute, struggled to live on the borders of industrialized cities.²¹ Often, they try to adapt by either farming the land of others by becoming workers with little pay or end up in urban slums.²² Indigenous women are especially affected due to the perception by colonizing or interfering parties that they are not as resourceful as their male counterparts.²³ Furthermore, this perception has led to an increase risk of physical violence, imprisonment and death for women and any indigenous people who try to protect them.²⁴

In regard to health consequences to indigenous peoples from industrialization in recent years, indigenous people have desperately tried to adapt to both the presence of chemicals and the destruction of their lands.²⁵ However, the effects of land contamination has resulted in lasting toxins such as mercury, lead and cadmium in the soil, water and air.²⁶ This is then consumed by indigenous peoples either directly through drinking water and respiration or indirectly

¹⁴ United Nations (UN) Office of the Special Advisor on Gender Issues and Advancement of Women and the Secretariat of the UN Permanent Forum on Indigenous Issues, *Gender and Indigenous Peoples: Overview*, (NY, NY: United Nations, February 2010)

¹⁵ United Nations (UN) Office of the Special Advisor on Gender Issues and Advancement of Women and the Secretariat of the UN Permanent Forum on Indigenous Issues, *Gender and Indigenous Peoples: Overview*

¹⁶ The Department of Economic and Social Affairs of the United Nations (UN DESA), *State of the World's Indigenous Peoples Volume I* (NY, NY: United Nations; December 2009)

¹⁷ UN DESA, *State of the World's Indigenous Peoples Vol I*

¹⁸ UN DESA, *State of the World's Indigenous Peoples Vol I*

¹⁹ UN DESA, *State of the World's Indigenous Peoples Vol I*

²⁰ UN DESA, *State of the World's Indigenous Peoples Vol I*

²¹ UN DESA, *State of the World's Indigenous Peoples Vol I*

²² The Department of Economic and Social Affairs of the United Nations, *State of the World's Indigenous Peoples Volume I*

²³ United Nations Children's Fund (UNICEF), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), United Nations Population Fund (UNFPA), the International Labour Organization (ILO), and the Office of the Special Representative of the Secretary-General on Violence Against Children (OSRSG/VAC), *Breaking Silence on Violence Against Indigenous Girls, Adolescents and Young Women UN Women* (NY, NY: United Nations, May 2013)

²⁴ UNICEF, UN Women, UNFPA, ILO, and OSRSG/VAC, *Breaking Silence on Violence Against Indigenous Girls, Adolescents and Young Women UN Women*

²⁵ The Department of Social and Economic Affairs of the United Nations, *State of the World's Indigenous Peoples Vol II* (New York City, New York; 2015)

²⁶ UN DESA, *State of the World's Indigenous Peoples Vol II*

through the fatty tissue of animal meat.²⁷ Indigenous groups forced to rely on processed food high in sugar and salt can be affected by the artificial chemicals which may not be compatible with their bodies.²⁸ These effects of chemicals can result in allergies, immune system disruption, damage to the nervous system, reproductive disorders and cancer.²⁹ In addition to chemical pollution, indigenous peoples are historically disadvantaged when it comes to health services either through issues of access or cost.³⁰ In certain regions where public transportation is unavailable and there aren't any options for insurance, the burden for an emergency leading to a hospital trip can result in unbearable costs or death.³¹ These issues are compounded in areas where corruption is pervasive, which can lead to indigenous people being exploited simply for their lack of accessibility to either proper resources or information.³²

In addition to the conflicts over land rights and the systemic disadvantages of accessing adequate healthcare, indigenous peoples struggle against prejudice when seeking political and economic independence.³³ Although governments and institutions must recognize indigenous peoples as a unique population with their own criminal justice system, these systems often go ignored. Groups whom are especially vulnerable are impoverished women and children as well as those with disabilities.³⁴ If the conflict resolution methods administered by the local indigenous population are ignored, then a local government that claims jurisdiction may transport these people to a facility that they are unable to travel back from.³⁵ This issue is especially pervasive in rural communities where the systemic issues inside facilities can affect indigenous groups, notably resulting in increased risk of violence against women where language barriers and discrimination from employers are present.³⁶ Despite these shortcomings, there is potential for traditional criminal justice systems to provide benefits to indigenous groups, though only if in geographical and culturally relevant settings where traditions, practices and customs are respected and considered.³⁷ Access to equality in judicial and political settings includes respect for local representation by indigenous peoples for their own rights including to identify, lay claim to their land, and engage in decision making.³⁸

Actions Taken by the United Nations

The UN as well as several programs, funds, and committees have produced actions and mandates for addressing the issues that indigenous peoples face in their daily lives. One such mandate includes General Assembly Resolution 61/295: United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).³⁹ This resolution solidifies the United Nations mission toward protecting and advancing the rights and development of indigenous peoples through treating them as equal and abiding by international treaties, resolutions, and guidelines.⁴⁰ This resolution protects the right of self-determination as well as protections of land, resources and autonomy from interference and disruption: "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".⁴¹ In addition to this resolution, the United Nations Development Group, created by the Inter-Agency Support Group on Indigenous Issues (IASG), has guidelines on how the public and local governments can help assist those within their communities by defining where various

²⁷ The Department of Social and Economic Affairs of the United Nations (UN DESA), *State of the World's Indigenous Peoples Vol II* (New York City, New York; 2015)

²⁸ UN DESA, *State of the World's Indigenous Peoples Vol II*

²⁹ UN DESA, *State of the World's Indigenous Peoples Vol II*

³⁰ UN DESA, *State of the World's Indigenous Peoples Vol II*

³¹ UN DESA, *State of the World's Indigenous Peoples Vol II*

³² UN DESA, *State of the World's Indigenous Peoples Vol II*

³³ United Nations Human Rights Council, Resolution 65, *Access to justice in the promotion and protection of the rights of indigenous peoples: restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities*, A/HRC/27/65, August 7, 2014

³⁴ United Nations Human Rights Council, Resolution 65

³⁵ United Nations Human Rights Council, Resolution 65

³⁶ United Nations Human Rights Council, Resolution 65

³⁷ United Nations Human Rights Council, Resolution 65

³⁸ Human Rights Council, Resolution 2, *Progress report on the study on indigenous peoples and the right to participate in decision-making*, A/HCR/EMRIP/2010/2, May 17, 2010

³⁹ United Nations General Assembly, *Declaration on the Rights of Indigenous Peoples*, September 13, 2007

⁴⁰ United Nations General Assembly, *Declaration on the Rights of Indigenous Peoples*

⁴¹ United Nations General Assembly, *Declaration on the Rights of Indigenous Peoples*

groups are, how their communities function, and how those outside their culture can respect and assist them.⁴² This document also highlights the vulnerability and the special needs of indigenous elders, women, youth, children and persons with disabilities from both historic and ongoing discrimination.⁴³ Such protections for these groups include access to healthcare (both preventative and recurrent) to address lower life expectancy averages than neighboring non-indigenous societies.⁴⁴ Others address how access to education must be inclusive to account for historical events where education has been either removed or significantly distorted to promote assimilation.⁴⁵ Some solutions proposed to addressing this have been allowing autonomous recognized education systems and accurately including historical events and cultures in mainstream curriculum.⁴⁶

As part of the mission of creating UNDRIP, the GA held its First International Decade of the World's Indigenous Peoples from 1995–2005 conference.⁴⁷ This conference was held for the purpose of bringing attention to the issues affecting indigenous populations with the special theme of “Partnership in Action”.⁴⁸ From this conference emerged the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, which was appointed by the Commission on Human Rights as well as the Permanent Forum on Indigenous Issues (UNPFII).⁴⁹ The Special Rapporteur was established for the purpose of implementing international guidelines on the rights of indigenous peoples, producing reports on human rights issues in individual Member States, assisting governments to address human rights abuses, and conducting studies on topics relating to the promotion of better wellbeing for indigenous peoples.⁵⁰ This allowed development of the initial framework on indigenous issues and the ultimate first draft of the UNDRIP. However, implementation was still an obstacle.⁵¹ To address this, the Second Decade of the World's Indigenous Peoples was launched following the end of the first in 2006.⁵² This conference made more progress in promoting the protection and policy guidelines through the creation by the UN Human Rights Council of the Expert Mechanism on the Rights of Indigenous Peoples in 2007.⁵³ This body has produced influential studies on indigenous peoples right to education and the inclusion of indigenous peoples in decision making.⁵⁴ In addition, the Second Decade saw the adoption of UNDRIP by the GA in 2010 and the organization of the World Conference on Indigenous Peoples, which was held in September of 2014.⁵⁵

In addition to documents for governments, the Office of the High Commissioner for Human Rights (OHCHR) has been continually cooperating with communities in order to conduct training on indigenous issues for UN Country Teams and for OHCHR field presences.⁵⁶ These programs work to promote education through the funding of a training program known as the Indigenous Fellowship Programme (IFP) for indigenous students that allows them to understand other communities being impacted and how to advance human rights.⁵⁷ These programs, combined with protections and support from various United Nations committees and the United Nations Permanent Forum on Indigenous Issues (UNPFII) (composed of 16 independent experts, many of whom are indigenous persons), allow communities to understand how they are being impacted and their rights as members of indigenous cultures.⁵⁸

Conclusion

⁴² The United Nations Development Group (UNDG) and the Office of the High Commissioner for Human Rights (OHCHR), *United Nations Development Group Guidelines on Indigenous Peoples' Issues*, (New York and Geneva: United Nations, February 2008)

⁴³ UNDG and OHCHR, *UNDG Guidelines on Indigenous Peoples' Issues*

⁴⁴ UNDG and OHCHR, *UNDG Guidelines on Indigenous Peoples' Issues*

⁴⁵ UNDG and OHCHR, *UNDG Guidelines on Indigenous Peoples' Issues*

⁴⁶ UNDG and OHCHR, *UNDG Guidelines on Indigenous Peoples' Issues*

⁴⁷ The Department of Economic and Social Affairs of the United Nations (UN DESA), *State of the World's Indigenous Peoples Vol I* (NY, NY: United Nations; December 2009)

⁴⁸ UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁴⁹ UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁵⁰ UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁵¹ UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁵² UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁵³ UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁵⁴ UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁵⁵ UN DESA, *State of the World's Indigenous Peoples, Vol I*

⁵⁶ “Indigenous Peoples”, Office of the High Commissioner for Human Rights (OHCHR), <https://www.ohchr.org/en/issues/ipeoples/Pages/IndigenousPeoplesIndex.aspx>

⁵⁷ “Indigenous Peoples” OHCHR

⁵⁸ “Indigenous Peoples” OHCHR

Through the various research and data on both contemporary and historical events surrounding indigenous people internationally it has become clear that prejudice, pain, and suffering has been inflicted unjustly upon these groups.⁵⁹ As stated by the United Nations Declaration of the Rights of Indigenous People, indigenous people have “suffered from historic injustices as a result of, [among other things], their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests”. The damage that resulted and the continuing progress has been slow to arrive, while significant progress and development in the interest of human rights globally has been achieved in many places. Through UNDRIP and several conventions on indigenous issues, a framework for establishing universal protections and rights for indigenous peoples has been outlined though not fully implemented in several areas. These include their participation in policy development, recognition of statuses and land, and the effort to make up for past abuses. However, through the recognition of both indigenous rights and the 2030 Agenda for Sustainable Development, Member States have the potential to make progress towards a future where equality and progress is accessible for the world’s oldest native populations.

Committee Directive

Prior to committee, delegates should become familiar with their own specific Member State’s relations with indigenous populations. Do tensions remain between indigenous populations and certain government or industrial sectors within their Member State, and/or have there been solutions implemented that have seen success? Are there solutions that may serve as a base for a broader framework in addressing, understanding and respecting the rights of indigenous populations globally? During committee, delegates should seek solutions to some of the current challenges facing indigenous populations around the world. How might Member States address the problems of lower life expectancy and unequal access to health services faced by indigenous populations? How can the biodiversity and natural resources located on land claimed by indigenous populations remain protected against accidental contamination by industrialized and modern agricultural properties and overflow from chemicals, foreign fertilizers, pesticides, and genetically modified seeds (and their accompanying patent rights)? How might Member States and indigenous populations work together to ensure a judiciary system that respects one another’s rights and political and judicial autonomy? Delegates should keep in mind that the General Assembly can recommend policy, but lacks the authority to compel Member States to act through methods such as sanctioning or deployment of special operations, making debate, discussion, and a final majority consensus *critical* to the long-term success of general body resolutions.

⁵⁹ United Nations General Assembly, *Declaration on the Rights of Indigenous Peoples*, September 13, 2007